

Boston College Law School

Digital Commons @ Boston College Law School

The Alledger

Law School Archive

11-3-1992

The Alledger, volume 13, number 03

The Alledger

Follow this and additional works at: <https://lawdigitalcommons.bc.edu/alledger>



Part of the [Legal Education Commons](#), and the [Legal History Commons](#)

Recommended Citation

The Alledger, "The Alledger, volume 13, number 03" (1992). *The Alledger*. 186.

<https://lawdigitalcommons.bc.edu/alledger/186>

This Book is brought to you for free and open access by the Law School Archive at Digital Commons @ Boston College Law School. It has been accepted for inclusion in The Alledger by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydowski@bc.edu.

To Smoke or
Not to Smoke

Page 2

Vote
Today

Dobrow on
Character

Page 4

The Alledger

Vol. XIII, No. 3

Boston College Law School

November 3, 1992

BCLS Reacts to Threatening Incidents

By Doug Sachs
Editor-in-Chief

Boston College Law School has been the scene of two incidents last month that police describe as "serious and anonymous threats."

Both incidents involved letters directed at individuals described by Dean Lisa DiLuna as members of the Boston College Law School community. DiLuna would not say if both incidents involved the same victim or if the person or people who received the letters were students.

"At this point the law school has two primary concerns," DiLuna said. "One is catching the person or persons responsible for this and the other is protecting the privacy of the people involved."

The first incident, described by Dean Daniel Coquillette as a "death threat," prompted an all-school meeting held in Room 315 on Monday, Oct. 19.

"There can be no mixed signals," Coquillette said. "This sort of thing is so completely unacceptable. No one can feel safe. I will recommend expulsion for anyone caught doing this kind of thing."

A statement issued by Coquillette said the first threat was "based on an assumption about that person's sexual orientation." DiLuna declined to state if the second incident, which took place subsequent to the Oct. 19 meeting, involved an attack based on sexual orientation.

DiLuna said police from Boston College and law enforcement experts from outside B.C. are investigating both incidents. As part of the investigation, police have begun interviewing members of the law school community, DiLuna said. Police plan to interview individuals representing a broad cross-section of BCLS community members, she said.

The administration is taking the incidents very seriously, DiLuna said.

"We are participating with faculty, students, police and experts in crafting a long-term response as well as continuing the investigation," she said.

Anyone wishing to report information concerning this case can call Det. Sgt. John Grace at 552-8683 or Dean DiLuna at 552-4492. Also, police have opened an anonymous hotline to receive information regarding this case. That number is 552-8682.

Dean, students speak out at forum

By Richard Peck
Executive Editor

Room 315 was packed for the meeting. It was standing room only. Dean Coquillette spoke first. Then people took turns expressing themselves with great frankness—what the incident means, how it made them feel, what can be done. Though some commented they were not surprised that it happened, many expressed shock and dismay that such a thing could happen here, a place so seemingly supportive and collegial. Though there was certainly some anger to be felt in the room, the most tangible feeling in the atmosphere was sadness.

Suggestions were made as to what we

could do as individuals and as a community in order to effectively respond to the situation. It was suggested that now would be a good time to take a good look at ourselves; to ask ourselves what secret prejudices we harbor. Another suggestion was that we should call people on their prejudices and stereotyping when we hear them expressed.

It was suggested that there be more information and dialogue at the school on hate crimes and hate speech. There was a suggestion that required workshops be held all during the three years of law school dealing with such topics as racism, sexism, and homophobia, or that perhaps discussion of these topics could be made a part of 1L orientation.

The meeting was attended by two members of the Boston College Police, Det. Sergeant John Grace and Lt. Eugene Neault. They stated that what had occurred was a crime. It was criminal assault. It may also be a civil rights violation, they said. They said there is probably not a lot they can do now, especially since the incident happened a while ago. They urged, however, that if anything like this ever happened to anybody in the future, as soon as possible after the occurrence, the victim should contact the B.C. police officer who is always on duty at the law school campus at 552-4444. Do not move or change the position of anything which might be used as evidence, they recommended.

First-years Elect New LSA Reps

By Jylene Livengood

If you had to pick one word to describe the LSA representatives for the 1L class it would be "committed." Brad MacKenzie, Julie Schwartz, Barbara Helm and Frank Privitera have different styles, but each wants to represent their class so they can be involved with the students, administration and goals of Boston College Law School.

Brad MacKenzie feels that keeping lines of communication open within the class of 1995, and among the class, the faculty and the community is central to the LSA's role. Like the other representatives, he wants to keep his classmates informed about LSA and what it offers. He has some ideas for speakers who can give the class a better idea of the professional challenges they will face, and the opportunities available to them. MacKenzie also noted that social and sports events can make the law school a place where students can enjoy and enrich themselves. He has a strong view of BCLS as a positive force within the legal profession and within the Boston community, and sees the LSA as a way to act on that view.

Julie Schwartz also wants to help keep strong lines of communication open within the law school.



Brad MacKenzie and Julie Schwartz



Barbara Helm and Frank Privitera

■ See 1L REPS, p. 6

Smoke screen

Cutting through the rhetoric of Question 1

By Steve Goldberg

"Good afternoon. The democratic process in Massachusetts this Tuesday is in JEOPARDY! Please help me in welcoming your host, Alex Trebek [applause].

"Thank you, Johnny. On Tuesday, our contestants will be the more than three million registered voters in Massachusetts. After choosing officials at the federal, state and local levels, these voters will decide what to do about four proposed laws, phrased in what we call "Questions." They can vote "yes" or "no" on these questions. If there are more "yes" votes than "no" votes, we have ourselves...A NEW LAW!!! [applause]

"Tell them about the law, Johnny.

"Right, Alex.

"Question 1 would establish a 25 cent per pack increase in the state excise tax on cigarettes and a 25 percent increase in the price of smokeless tobacco. Here to tell us more about the law are representatives from, on the "yes" side, the Mass. Coalition for a Healthy Future, and on the "no" side, the Mass. Committee Against Unfair Taxes.

"The Yes side calls upon us to put the health of our children before the profits of the tobacco industry. It says that this "tax will result in 80,000 people quitting or not starting to smoke." Sounds good.

"The No side says this tax is unfair. The legislature gets to spend this extra tax money in any way it chooses. It says "more taxes and more government will drive business out of Massachusetts." Sounds bad.

"Back to you, Alex.

"Thanks, Johnny. Well, voters, there's your information. Good luck."

Dee dee dee dee...(think JEOPARDY! tune).

When I read through the information about Question 1 in The Official Massachusetts Information For Voters

'92 booklet (reprinted at left), I found that I was in no position to make an informed decision. The summaries in the booklet gave a superficial treatment of the issues and even contradicted each other.

One side says "[u]se of the revenues for smoking prevention programs will result in more people, particularly children and pregnant women, not smoking." The other side says the proposal is "about giving your tax dollars to the legislature to spend in any way it chooses." Both sides sound like a bad law school exam answer: they state conclusions without explaining the reasoning.

How is a voter supposed to know who's telling the truth? If Question No. 1 passes, will the money generated from this tax—an estimated \$130 million—be spent: A) on smoking prevention programs, B) any way the state legislature chooses, or C) to fund BC Law students who want to do pro bono work battling Phillip Morris this summer?

Dee dee dee dee...

A close look at the summary of the proposal shows that money raised by this tax would be "subject to appropriation by the state Legislature." If you've seen the television advertisement with the water going down the drain, you know all about these seven words. That advertisement is brought to you by the Mass. Committee Against Unfair Taxes, an group widely believed to be funded (surprise!) by the tobacco industry.

In this case, the advertisement is correct. Money raised by the proposed tax would go to the Massachusetts general fund. An article by Alexander Gray in the Fall 1991 New England Law Review explains that when the Massachusetts constitution was amended in a 1918 convention, part of the 48th Amendment said that no initiative petition can appropriate money from the treasury of the Commonwealth. The rationale was a fear that the appropriations process could be abused by a few zealous citizens, who might rally support to appropriate money to purposes that would benefit their interests.

How is the average voter, who is probably not poking around in law re-

■ See QUESTION, p. 5

CRG Hike A Rousing Success

Dear Editor,

The alarm clock is screaming in my ear. 6:30 a.m. I cannot believe I am getting up to go hiking when it is raining. Today is the day of the CRG hike up Mount Monadnock.

I am not the only die hard up at this time of the morning. Several other nature lovers (including a few undergrads from main campus) are already there, munching bagels and getting ready for a killer hike up Mount Monadnock.

It rained that day in Boston, and all around the B.C. campus. This deterred many potential hikers. They missed out. In New Hampshire, there was not a cloud in the sky, and as we began to climb, those of us in jeans and sweats soon envied those in shorts.

There was some wildlife on the mountain (namely a major contingent of Boy Scouts, one teeny snake, and a spider)

which we encountered along the way. The view was spectacular all along the way up, (and subsequently down). Even Craig couldn't steal center stage (although we all knew he would try). The amber, peach, rust and orange hues shaded the land below. For three hundred and sixty degrees, New Hampshire sprawled before us in all her autumnal glory.

For those of you whose alarms went off at 6:30 a.m. and you couldn't bring yourself to get up in the rain, we did take some pictures, which will hopefully be displayed in all their splendor on the CRG Board some time soon. However, you really missed out on a most sensational day spent with some really special people. Thanks again to all who drove. I am definitely looking forward to another outing with you.

Jennifer Rankin

More Parking Spaces Not the Answer

To the Editor:

Although my dad is a psychiatrist and not a lawyer, he does say useful things at times. One of his most recent and insightful (though not necessarily accurate) comments was that Northeastern Law School teaches one a trade, while BCLS teaches one how to be a lawyer. Along the same lines, in the past few years I have heard and read a lot about how lawyers are the future leaders of society, and about how we, as law students, are being trained to do more than pay off our GNP-sized loans. It sounds good, but, as evidenced by BCLS's response to parking problems, I have my doubts.

I agree that there are not enough parking spaces for everyone working, studying, or living on the Newton Campus to drive here. I disagree strongly that the solution is to create more parking spaces before trying other, more innovative approaches. I suppose building more spaces, with the consequent costs in dollars and (for whatever they are worth) natural resources, would work in a narrow sense, but this solution does little to address the larger issue of our transportation problems. Centre Street would still be a nightmare of single-occupant cars, alternative methods of commuting would receive no more support and our dependence on cheap oil (imported or domestic) would not decrease. In our own little way, we would be continuing the American addiction to the automobile without even considering how we might break that habit.

BCLS is served by a regular MBTA bus that costs 60 cents to ride and stops right at the main gate. Boston College runs a regular shuttle bus that stops within easy

walking distance of hundreds of students and leaves the law school, in theory, every 20 minutes during the day. The Law School is less than a 20 minute walk from the Newton Centre MBTA train stop and is no more than a mile from scores of students' houses. On top of that, dozens of students have similar, if not identical schedules, and live in fairly close proximity, making carpooling a very feasible option. All in all, there are plenty of ways to get to campus without everyone having to drive her or his personal car.

Certainly, there are problems with these other forms of transportation. MBTA buses may come early, and I, for one, don't enjoy the 30 minute walk to Watertown Square when the last 52 Bus comes early. The shuttle busses are crowded and not as dependable as we would like, so it is tough to work them around a tight schedule. Walking in inclement weather is not necessarily fun, and doing so in the dark can be scary and dangerous. And biking, while fun and exciting, stinks in the rain and, given the tendency of local drivers to ignore one's presence, can be exceptionally dangerous.

This is where I think that being lawyers, or law students, should make us different. Anyone can, with the funds and proper permitting, build additional parking spots. And then, when there are more students, anyone can build more parking spaces. Anyone, with the political muscle and money, can widen the roads because everyone insists on driving their personal cars wherever they go. And anyone can take the easy route of going to war to

■ See PARKING, p. 5

The Alledger

Boston College Law School
885 Centre Street
Newton, MA 02159
(617) 552-4339

The Alledger is produced by the students of Boston College Law School. Views presented herein represent those of the author and do not necessarily express the opinions of The Alledger staff, Boston College, or Boston College Law School.

Submissions from our readers are welcome, provided they include the name and telephone number of the author. The Alledger reserves the right to edit, adapt, revise and check all submissions to have them conform with the standards and style of The Alledger.

Typesetting and Printing by Edinboro Offset, Boston, MA.

© 1992, The Boston College Law School Alledger

STAFF

Editor-in-Chief Doug Sachs
Executive Editor Richard Peck
Associate Editors Bradford Babbitt, Deb Peckham
Dean's Office
Communist Party Boss Maurice Aswaad

CONTRIBUTORS

Joe Daigle • Nick Danger • Larry Dobrow • Jason Farber
Dave Feldman • Steve Goldberg • Jylene Livengood • Jill Pechacek

Graduation committee considers H. Clinton and Coquillet

By Jill Pechacek

The Class of 1993 has extended an invitation to Hillary R. Clinton to speak at the graduation ceremony in May 1993. Ms. Clinton will not be able to confirm until later this year. In addition, the Class has extended an invitation to Dean Coquillet to honor us by speaking at his

last graduation as Dean of the Law School. The graduation committee is meeting on a regular basis and plans are well under way for graduation week. Contact the 3L representative with your suggestions and input for graduation plans. In addition, there is a dedicated and enthusiastic Yearbook Committee this year who have been hard at work. Kudos for their hard work to date.

\$5.⁰⁰ SPECIAL **One Week Only!**

November 2 - 6, 1992

**A \$5.⁰⁰ Deposit is all you
need to Register for the
SMH Bar Review Course**

SAVE up to \$200.00

see your SMH campus rep
or call 1-800-343-9188



The Character Issue Resurfaces

Can Clinton survive the new litmus test: Head-to-head against Dobrow

By Larry Dobrow

As law students, I imagine we're supposed to be somewhat interested in the political process. Throughout the last couple of weeks, especially during the interminable mornings following the debates, the halls have resonated with lively repartee along the lines of "Boy, what a great power tie on the Prez" or "You missed an awesome 'Green Acres' rerun on Nick at Nite." Bumperstickers have descended like a plague (my fave: "No more Bushit"—clever, clever), and for the first time I've gotten the impression that the Presidential election might weigh one-eighth as heavily as the World Series outcome in our collective conscience.

Hell, even the L.S.A. has gotten into the fray, planning an Election night bash complete with hors d'oeuvres and enough sedatives to keep eager Clintonites from breaking into refrains of that wimpy Fleetwood Mac song. Actually, I can't deny that I'm looking forward to watching the Bush contingent huddled in a corner, whimpering, "If only he could have carried North Dakota..."

So Election Day approaches, I can't think of a more appropriate time to take a few last potshots at our brillo-haired hick of

a President-to-be, Bill Clinton (who, assuming I'm in the mood for a little bona fide socialism the morning I fill out my absentee ballot, I'll probably wind up voting for).

Personally, I'm not interested in any of his ideas to resuscitate our economy. I could care less how a guy from a backwater state plans to walk into the foreign policy arena without looking like a country/western singer, or, worse, Jimmy Carter.

No, I'm interested in the character issues, the real fluff and extraneous bits of smut that, in a world unhampered by cable networks with lots of air space to fill, should have no bearing on the political process.

Give me Tsongas swimming laps, give me Jerry Brown waxing philosophic about disco. But leave the "flat tax" crap to the accountants.

It speaks volumes about our country that we've reached an era in which character issues alone can determine the course of a political race or nomination. Hart, Ginsburg—to err is human, to engage in some monkey business or token with your little Harvard chums is divine.

But Clinton presents an interesting situation. This guy has gotten nailed for stuff (draft evasion, alleged marital infidelity) that would have sunk just about anyone

else. This guy could burn the American flag while chanting the Koran and the press would manage to find some positive slant on it.

So although I have no political ambitions—unless you count lobbying my apartmentmate to listen to some circa-'70s Springsteen albums a political maneuver—I thought it would be fun to compare Big Bad Bill and myself on the character issues central to his campaign.

Clinton: Admitted to frequenting a whites-only country club. I don't think anything remotely amusing can be said about this. I mean, how can we possibly expect this guy to act in the interests of *all* Americans, not just the ones who wield a fierce nine-iron on the greens?

Dobrow: Admitted to frequenting an all-Jews synagogue. Hey, nobody's perfect.

Clinton: Organized anti-war demonstrations on foreign soil, and knocked back Stoli shots with Yuri Andropov while sharing the volumes of confidential information imparted to every U.S. student studying abroad.

Dobrow: Dumped remaining contents of garbage bag on foreign soil of neighbor's lawn after the bastard's dog shredding the thing. Can't keep a secret, either.

Clinton: Allegedly screwed around with a woman whose name, Gennifer Flowers, reads like a typo. Denied everything.

Dobrow: Never fooled around with a "Gennifer," but would not be averse to doing so.

Clinton: Claimed that he never used

drugs. Then claimed that it was never anyone's business if he did drugs or not. Then answered most questions concerning past drug use with the non-sequiter "No comprendo Ingles." Then admitted to smoking marijuana twice at Oxford, but not inhaling and *certainly* not liking it.

Dobrow: Claimed that he never used drugs. Then claimed that it was never anyone's business if he did drugs or not. Broke under pressure. Admitted to holding a joint in his left hand once while wearing gloves, but not looking at it and breathing into his armpit so as to negate the fumes that would surely send him to an early grave. Proceeded to spend his entire senior year of college in an alcoholic haze.

Overall, it's quite clear—neither of us are fit for anything more than a promising career in toll-booth maintenance. But don't tell me that my potential cabinet, set to include Jodie Foster as Vice President and Don Mattingly as Secretary of State, doesn't cast my decision-making ability in a most positive light...

In an environment populated by would-be political hacks, admitting that you could care less about the results of a Presidential election is generally asking for trouble, kind of like inviting Sinéad O'Connor to have a look at your slides from a trip to the Vatican. But on the other hand, it's getting increasingly difficult to swallow the crap we're being force fed. So until there's some reason to get enthusiastic about the whole political process, I'll be content to rest idly on my couch, watching WWF Wrestling and scarfing down Microwave Burritos. Viva la difference, baby.

ATTENTION!

ALL BOSTON COLLEGE LAW SCHOOL STUDENTS:

The *Alledger* is a non-profit publication produced by and for the students of Boston College Law School. In addition to advertising revenue, The *Alledger* receives funding from the L.S.A., which receives its money from **you**, through your student activity fee.

The *Alledger* has an open policy of publishing all submissions, as long as they don't violate too many state, federal or local laws. The *Alledger* does reserve the right to edit submissions for style and format.

The *Alledger* encourages all students to submit articles, letters, editorials, cartoons, etc. for publication. The *Alledger* mailbox is located among the other student organization mailboxes above the student mailboxes. Or, submissions can be placed in 3L Doug Sachs' box.

This is your newspaper, BCLS, don't let this opportunity slip by.

Smoking Tax Proposal Demands Greater Scrutiny

■ QUESTION 1, from p. 2

views, supposed to figure out which side is telling the truth? How many voters will analyze the simplistic "yes"/"no" arguments in the booklet and begin to make sense of what Question 1—or any of the referendum questions—means? If most citizens vote based on the information in the booklet and whatever propaganda reaches them through political advertisements, what good is the referendum process?

Voters need some basic information to turn the referendum process into something more than a game show. How many people are in Massachusetts? How many of them smoke? How much does a pack of cigarettes cost? What is the current excise tax on a pack of cigarettes? What will an additional 25 cent per pack tax do to the demand for cigarettes? What's so wrong with smoking that the state needs to step in and tell people what to do?

There are about 6 million people in Massachusetts and roughly 28 percent, or 1.5 million people, smoke. A pack of cigarettes averages \$1.63, but that's before taxes. After figuring in a 16 cent federal excise tax and the current 26 cent state excise tax, most consumers pay \$2.05 for a pack of 20 cigarettes.

Last year, smokers bought 564.8 million packs of cigarettes in Massachusetts, generating \$145 million in taxes for the Commonwealth and \$90 million for the federal government. The average smoker puffed through just over a pack a day at a per-year cost of \$800. The proposed tax increase would mean an additional \$100 in taxes for the average smoker, and those who smoke two or three packs a day would pay \$200 or \$300 more in taxes.

Studies cited by the Mass. Coalition for a Healthy Future say that the 25 cent increase in price would reduce demand for cigarettes, especially among teenagers. This makes some sense, because even though cigarettes are addictive (or inelastic, as economists would say), there would probably be some people who would buy fewer packs because of the higher price. The decrease in demand could be even greater if, as was the case when similar legislation passed in California in 1988, the money generated by the tax is used to produce advertisements that counter the tobacco industry's advertisements portraying smoking in a favorable light.

The last time the Massachusetts state excise tax on cigarettes was raised was in 1983. The tax went from 21 to 26 cents per pack, and cigarette sales that had hovered around 700 million packs a year from 1978-83 dropped by 25 million packs in one year. There isn't a clear cause-and-effect relationship, because smoking rates have steadily decreased in this country ever since the Surgeon General came out with his 1964 report that smoking is hazardous to your health, but the price increase did seem to accelerate the process.

As demand for smoking goes down, the long-term problems associated with the activity also will go down. A Boston Globe Editorial in support of the proposed 25 cent tax hike said that "[t]he annual cost for medical expense and in lost productivity to Massachusetts taxpayers is estimated at \$1.5 billion." Another problem that arises from smoking is fire damage caused by cigarettes.

Few people would argue that increased medical costs, loss of productivity and more fires are good things. It may be true that a no-smoking campaign will reduce demand and alleviate these long-term problems, but is it fair to make smokers pay for

the campaign? Is there a better way to solve these smoke-related problems?

Today's smokers tend to come from low socio-economic backgrounds, so this tax is about as regressive as taxes get. Will the long-term benefits outweigh the short-term inequity of taxing people who can

These questions require a base of contextual information, and that base is nowhere to be found in the information booklet.

least afford to be taxed? In the long run, if the tax succeeds in decreasing the demand for smoking, the amount of taxes collected from cigarettes will go down. Will the long-term benefits (healthier, more productive people who start fewer careless fires) make up for the yearly \$145 million that cigarette excise taxes currently contribute to the state treasury?

This analysis suggests that a key question is what you think a 25 cent increase in the price of cigarettes will do to the demand for cigarettes. If you think it will deter lots of people from smoking, and thereby reduce the social losses that result from smoking (lost productivity, high medical costs, careless fires) then you should probably vote yes. If you think it won't effect people's consumption, you should probably vote no.

Another concern is how the legislature will spend the estimated \$130 million in additional revenue. Voters should take seriously the warnings that the Legislature will not spend the tax money where it is intended to go. In California, the tobacco industry fought a proposal to raise the state excise tax from 10 to 35 cents in 1988. Despite the tobacco industry's efforts, the tax passed. The tobacco industry immediately changed tactics from warning people that the money wouldn't be spent as intended to lobbying to prevent money raised by the tax from getting spent on the purpose it was intended for. Bad for profits, don't you see?

If the Commonwealth's projected \$130 million is spent on some worthy (but non-smoking related) project like making more parking spaces for needy law students, is the tax unfair to smokers? If it is spent as proposed—on projects directed at getting people to quit or not begin to smoke—is it unfairly taxing smokers and using that tax money to harass them? In the long run, could it be argued that the tax is "for the smoker's own good?" Is that a paternalistic notion?

These questions are beginning to sound like the notes in the back of law casebooks. But these questions shed light on Question 1 in a way that the arguments in the booklet do not. These questions require a base of contextual information, and that base is nowhere to be found in the information booklet.

In fact, the booklet tells us that "[t]he Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments." Well why not? If you are going to spend nearly \$500,000 to print and distribute 3.1 million copies of a booklet designed to help people decide how to vote (there's even a handy tear-out voter checklist for you to fill out and take to the polls), why not take a few minutes to make sure it's accurate?

Ahh, politics. The Secretary of the Commonwealth is responsible for producing these booklets, and his office does what the

constitution and the state statutes tell them to do. In this case, the Secretary must provide brief summaries and gather 150-word arguments (isn't that the length of the average USA Today article?) from the major proponents and opponents of each Question. If the Commonwealth provided the sort of information that served as the base for the analysis in this article, the Commonwealth would likely be sued by the tobacco industry. Selecting which "facts" to include is subjective, as is the process of determining the accuracy of an argument.

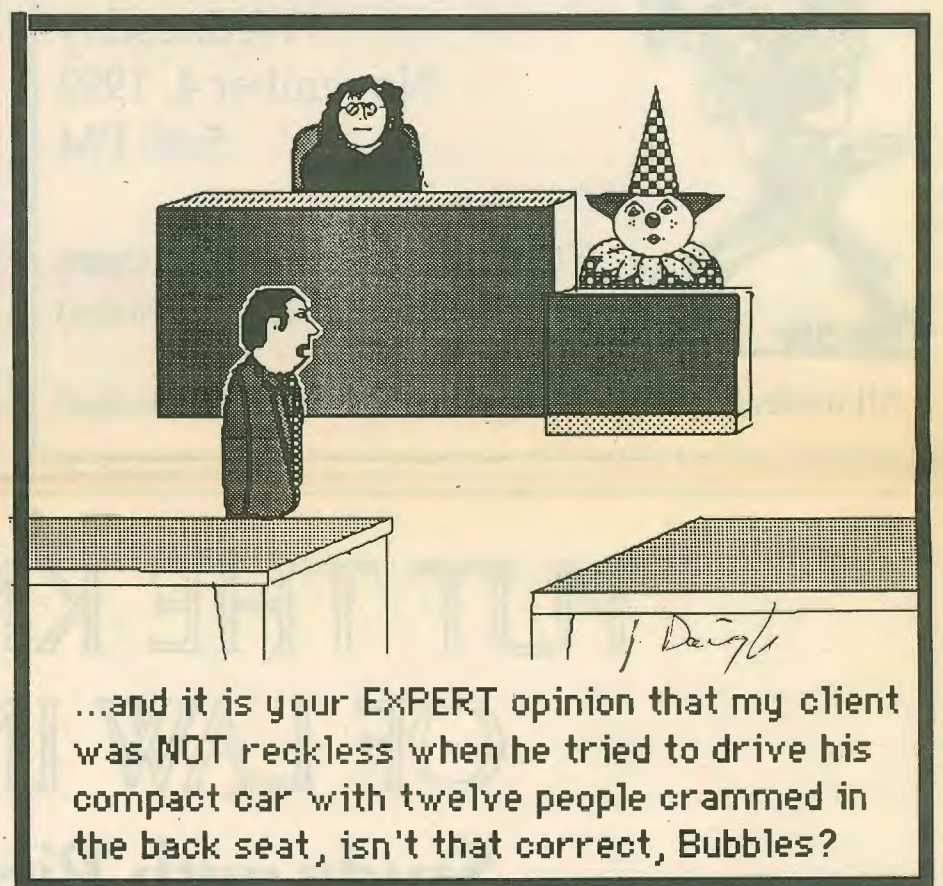
If you look at an election as an opportunity for citizens to learn about what is going on in government and become involved in the direction that government takes, the 1992 Massachusetts ballot questions squander a wonderful opportunity. Part of the rationale behind the 150-word limit is that people wouldn't read any more information. Most people probably filed their booklet in the circular file weeks ago.

But what good is a booklet that lacks enough information to make a meaningful decision? Why have so low an expectation of the electorate? Why not allow each side to flesh out its argument with contextual

information and let the voters decide? Go crazy and extend the word limit to 500 or even (gasp) 1,000 words. We're talking, after all, about a \$130 million decision.

I have decided to vote "yes" on Question 1. Ironically, the tobacco industry's advertisements convinced me that the tax will reduce demand. I tried to figure out what would motivate the tobacco industry to spend an estimated \$6 million on a campaign designed to defeat this legislation. Unless the tobacco industry is made up of civic-minded folks who are against unfair taxes, they are protecting their interest, (i.e., their profits) and the most direct threat to their profits would be a reduction in demand.

I would argue that the initiative petition is a bad tool for making public policy, but that argument would require another article. Since Massachusetts has chosen to use the initiative petition, the least it could do is to give its voters enough information to make an informed decision. Maybe next year. For Tuesday's election, we'll have to rely on political advertisements and the press.



■ PARKING, from p. 2

ensure cheap oil while hardly even mentioning, much less emphasizing, conservation measures (I'm not kidding on this one, folks).

Instead of taking the easy, short-sighted and uninspired approach of building more spaces, the BCLS community, including faculty, staff, and students, should try to make existing commuting alternatives more functional. As transportation needs change, we should respond in ways that will ensure safe, efficient transportation far into the future. We should monitor the MBTA and shuttle busses, making sure that they operate on the proper schedules. If they are slow, fast, or too full, we should contact the people responsible for running them and get them to correct the problem. We should encourage, perhaps even mandate, carpooling, and provide adequate facilities for people who get wet or work up a sweat on the way to school. We should work towards making the streets safe enough so people can walk home at night without undue cares, and we should get used to the idea that our feet were made for walking, not working a gas pedal and clutch.

Maybe, when we've tried all of these approaches, we will still have to build more parking spaces. I doubt it, but maybe. But until we have, in good faith, tried these alternatives, we should not build more parking spaces. If building more parking spaces is BCLS's first reaction to its tough commuting problems, how can the school claim to be teaching students to address more complicated national and international issues as future leaders. If BCLS continues with its plans to build more parking spaces without first emphasizing alternatives to its current commuting habits, the school should spare future students the myth that they are being trained to become anything more than paper-pushers who happen to get paid a lot of money. If that is the case, BCLS should be upfront that being a lawyer is a trade like being a logger or a carpenter, and dispel the notion that BCLS graduates should, any more than anyone else, think about how to shape their world.

Given the quality of the entire BCLS community, that would be a shame and I hope it does not happen.

Craig Kelley

Oneida Revisited



On Sept. 17 the Federalist Society sponsored a panel discussion on original intent, based on the famous case of *Oneida Indian Nation of Wisconsin v. New York*.

BC PEP BAND FIRST MEETING



Wednesday
November 4, 1992
5:00 PM

Conte Forum Band Room
(Entrance by Higgins Stairs)

All undergraduate and graduate students welcome!

1L Class Selects LSA Representatives

■ from p. 1

She describes an LSA representative as a liaison among the students, the administration and the community and notes that this is the sort of role she's found herself in through college and work. She chose BC because of the supportive, pleasant attitude fostered here and that's an attitude she, personally, wants to contribute to. Schwartz was impressed by the traditions already in place in the LSA. She feels the incoming class has a lot to offer to BC and that there is a lot in place for the class to enjoy. She'll be working to let her classmates know what is available to them through the LSA.

Barbara Helm, Section 2 co-representative, shares Schwartz's feeling that the LSA representative should be a good listener, a liaison who has fun talking with her classmates and keeping the lines of communication open within the school. She noted that she was good at finding things out and relaying information, and that she was elected by her section on the basis of her "approachability platform." She, too, noted the plethora of events and opportunities already planned by the LSA and the supportive atmosphere at BCLS.

Frank Privitera, the mastermind behind the class circus trip, sees the LSA as a way to give the first-year class, and the whole law student body, a sense of identity. He wants to take advantage of the energy of this class to organize charitable and social events that will benefit

those within the school and in the surrounding community. Privitera also wants to work with the LSA to improve conditions on the law school grounds.

Although this is an active class with a lot of energy for social and charitable causes, he notes that our classroom time is the "meat-and-potatoes" of the law school experience. Any improvement the representatives can get in class settings via the LSA will, Privitera said, be to the benefit of the school as a whole.

All the reps mentioned common themes such as the importance of communication with the administration and faculty, and the role of the school in the community. They were universally positive about the valuable role LSA plays in representing the students, and their sense of commitment to the class. None of the promotional materials for law school suggest that it will be fun, but listening to these LSA reps makes that seem like a serious oversight!

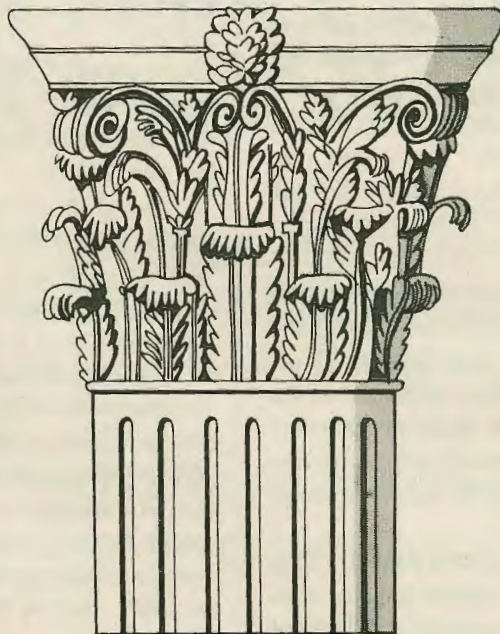
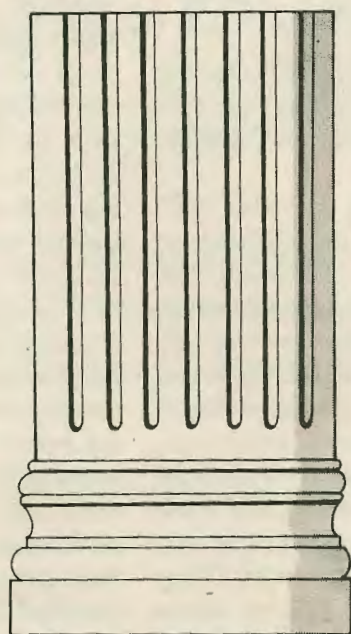
In other LSA News...

LSA meetings are held every Tuesday night at 7 pm in the LSA office.

The LSA All-Student meetings are held the third Thursday of every month. All students are encouraged to attend. Representatives from all student organizations are invited to attend. The purpose of these meetings is to facilitate communication on campus and to help groups work together in coordinating activities.

PUT THE KNOWLEDGE OF LAW IN ORDER

Study with Pieper...and pass.



Pieper New York—Multistate
Bar Review, Ltd.

90 Willis Ave., Mineola, New York 11501

Telephone: 1-800-635-6569 or (516) 747-4311

FROLIC & BANTER

Community: The Good, the Bad...

By Bradford S. Babbitt

I come from a small town. A small town in a small state, which tends to make the small towns smaller, I think. But then I've never been to many large states so I don't really know. But anyway, I come from a small town.

Small town's are the stuff of legend. They seem a prerequisite for political office, they are praised by singers of both the Country and Western variety and they provide the only fond memories that grandparents discuss. Old people don't pine for the days of yore when they partied until the wee hours at clubs on the upper West Side. (And most grand-parents are old so don't go telling me that's ageist.) No, they dream about that saintly little place where they were raised—regardless of where they actually grew up.

Small town life is okay, mostly. Growing up, I remember (here I go sounding like a grand-parent) walking down the street and having complete strangers call me by name—well, last name anyway. People often confused which Babbitt I was, but that didn't matter much, to them. I didn't know there were places where mothers told their sons not to speak to strangers, or if I did, I knew that this wasn't one of them. In fact, if I wasn't polite to everybody who called me by the wrong first name, I'd hear about it when I got home. "Why didn't you say hello to Mrs. Brickley this afternoon? Mind your manners young man."

There were down sides to this small town business. I couldn't get away with anything. I once got stopped by the constable (small towns have constables, not police forces, and they are only on duty 9 to 5) for having a broken taillight. By the time I covered the remaining mile home the lights were all on, both parents were in the living room and a "discussion" was required before bed. Eyes and ears were everywhere, with only my best interests in mind. Of course, it never occurred to the owners of those eyes and ears that our definitions of best interests may have differed. That was irrelevant. They were going to help me if it killed me doing it.

That was a community. Of course no one used that word except during the election for First Selectman or when somebody from "away" was selling something. But it was a community, without much effort to make it so.

Boston College Law School works hard at being a community. That word and goal is all over the prospectus sent out to new students. It's touted as one of the best things about B.C. Law—a sense of community. And that's a good thing. Law school is a bloody business by nature and, to the extent possible, the seamy side of competition and cut-throat, back-stabbing, student-against-student warfare is minimized. It works for the most part. And that is part of the problem.

We are a closed community and no one can sneeze without everybody else knowing from whom you caught the cold and to whom you will give it next. The grapevine is as hearty and interconnected here as it ever was in the small town I come from. What's more, we have more work to do in less space, so when the work gets tiring and life drags, the gossip flies. And wounds.

We can't seem to get far enough away from each other to prevent the talk, and we aren't close enough to truly understand the person or situation. It seems the worst of both worlds at times. Stories have lives all their own, fed on library chatter—who is seen talking with whom, who sits together in the snack bar, who leaves Bar Review with whom, ad nauseum. There seems no end to the evidence and the theories attached thereto. With callousness to match.

Communities are closely knit with lots of communication between members, often about each other and others. It is one way of building community. It is also a way of destroying one. Pain in one member is brought back to the group and sours the mix. Cripes, these metaphors have gotten out of hand. I sound like Leo Buscaglia set to a Barry Manilow tune. I'd better stop now.

Danger Uncovers Political Conspiracy

By Nick Danger
Special to *The Alledger*

Greetings, library lurkers. Danger here. Continuing my mission as human condom: protecting BCLS from infectious subversion, the religious right and more hopelessly glib columns by Brad Babbitt. My job this week (aside from having Marjorie Sherman slam me to the floor and floss my toes with wet kitchen twine) is the presidential election. I know many of you cheeky cite checkers are wondering how the presidential election could possibly effect you personally. Wake up, people. The Washington Threat is all around us, right here where we live, work and breath heavy.

A few of you slime balls out there thought you had me fooled. Well I plan to expose all of you, every dirty, little, sweat-slurping one of you. So read on, BC, and don't try this at home.

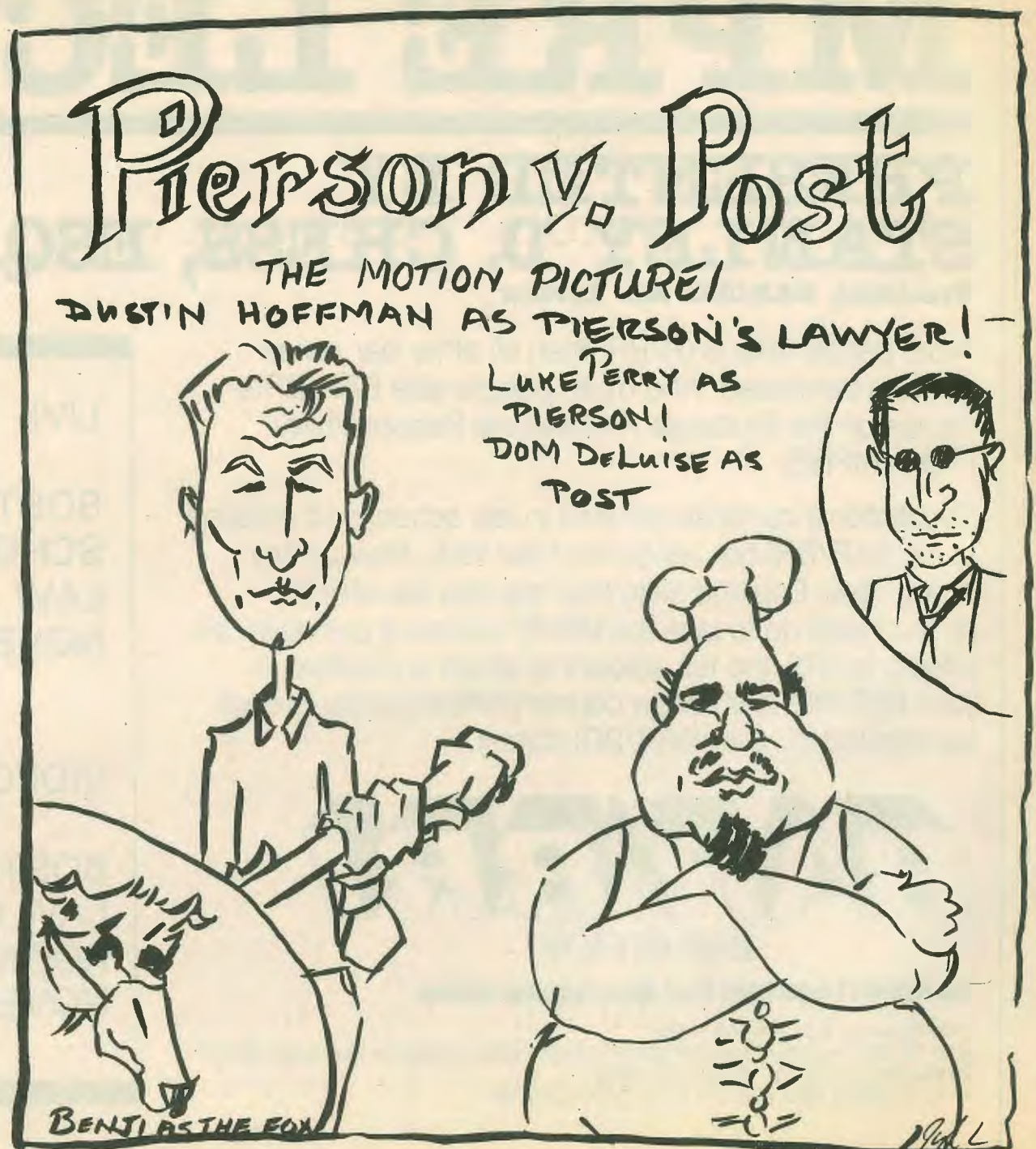
That's right, Shepard's lovers, the overbearing jerk who sits next to you in class could be running the country next year. For example, you thought **Dan Ball**, alleged 3L and President of the "Free Enterprise, Not Speech" Club was just a mild-mannered conservative who spends his weekends fondling his pocket Constitution. Think again. Mr. Ball is actually Arnold Schwarzenegger in disguise—deep disguise. He is on a mission to cause complete and massive heart failure in the entire Democratic party before election day by encouraging us to consume large slabs of meat and then sit for hours in the snack bar as he explains how the Bill of Rights is actually an unfortunate misunderstanding. That's the real Republican physical fitness program.

Zyg Plater: slightly daft environmental overlord of

the Universe? Guess again, Lexis lickers! Professor Plater is actually Nancy Reagan (not so deep disguise). His/her mission? Take a position so absurdly left of center that weaker ILs lose control of their senses and rush from the building to throw large quantities of nuclear waste material into wetlands as they sing "This Land is My Land" and indiscriminately empty aerosol cans of Arrid Extra Dry into the atmosphere.

Jay Shepherd: actually Bill Clinton's evil twin, firmly committed to youthful indiscretions with women who intend to make more than \$200,000 a year after law school. (Trickle Me Up, Trickle Me Down). **Emily Lawrence**: Faun Hall. Well, maybe not. **Ken Steinfield**: protruding ears, diminutive stature, Napoleonic attitude...Ross Perot. Notice the giant sucking sound? And you thought it was from the throng of law students rushing to get out of his way quicker 'n corn thru a goose.

As you can see, this is a greater threat to our existence than chastity belts. My proposal is to vote for me, Nick Danger, for president of the United States. My platform is easy: nationalized mini-golf funded by a tax on the pompous; new legislation prohibiting Supreme Court Justices from writing dissents; no more blue suits; no more pay phones; free Diet Coke; free love; free tuition; abolition of Yale and Harvard; fresh crayons; nap time; vouchers allowing every American to kill one person with impunity; personal audiences with Sinead O'Connor; Constitutional amendment prohibiting parking tickets; free Prozac; and mandatory liposuction. So remember, friends don't let friends vote drunk, and cast your ballot for me, Nick Danger. My true identity? I've said it before—Danger my name.



Softball League Provides Athletic Outlet

By Dave Feldman

So, you thought going to law school meant never seeing a head-to-head match-up more riveting than Penoyer v. Neff. Wrong.

It happens every Saturday. Mad Dogs work up a froth against Buzz Killers. Law Hogs make Lolligaggers squeal. Pigeon Holes trap Ducks. Sure the Boston College football team is okay this year, but for pure excitement and funky team names, it just can't measure up to LSA Intramural Softball. Fourteen teams. Once extremely serious goal: Have Fun. Oh yeah, and maybe win a game or two.

The playing fields are tucked away off of a side road off of a side road. Players arrive for games as early as 8:30 a.m., ready to double as umpires, coaches, or scorekeepers. It may not be as glamorous as Braves vs. Blue Jays, or even Red Sox vs. Mariners, but LSA Softball is an unambiguously good time. Softball Commissioner Steve Browning says the league is so enjoyable because it is kept in perspective.

"The purpose of this league is to have an athletic outlet, to have fun, meet new people, get together, and have some healthy competition," Browning said. "The enthusiasm has been great. I think there's more competition this year than last year."

Skill levels vary in LSA Softball. The proficient glove work of some BCLS centerfielders evokes memories of Fred Lynn. Others are more reminiscent of Fred Gwynne. No matter where a team finds itself on the totem pole of softball



prowess, LSA Sports Commissioner Rob D'Alessandro stresses that having fun comes first and winning should follow.

"It's nice to foster the competition, but more important, to get people out and use sports as a vehicle to develop friendships," D'Alessandro said. "You'll often see a progression with a 1L team winning one or two games, then sticking together for three years. When you get to be a 3L team with a core of people, the object then is to win."

Browning agrees. "As you become friends and play a lot of softball together, everything begins to jell."

The team which jells best goes to the National Law School Softball Tournament at the University of Virginia in April. Sixty-five law schools, including participants from lands as far off as Texas and Indiana, converge in Virginia to determine the National Champion. LSA pays for one National Tournament entry, given to the winner of BCLS tournament.

The road to Virginia continues tomorrow as the regular season comes to an end. Many teams find themselves in a fierce battle for precious playoff spots. Others will be tuning up for postseason play or regrouping for next year. Marquee matchups include The Ducks vs. For Lack of a Better Name and the defending champion Pigeon Holes vs. Tommy Graduated.

Notes. More Softball: Four teams from each division (eight total) advance to the playoff round on November 7-8.

Rugby Club: Nov. 7 marks the last game of the rugby season but also the first "home" game for the BCLS rugby club in four years. The match against Albany Law School takes place across the street from Massachusetts General Hospital.

Upcoming Sports Events at BCLS: Co-ed volleyball and men's basketball (winter). LSA will also be sponsoring a ski trip and racquetball/squash tournament.

1992 LSA Softball Standings through October 17

Eastern Division					Western Division				
	W	L	F	Pts.		W	L	F	Pts.
At the Helm	3	1	0	7	For Lack of Better Name ...	4	0	0	8
Reckless Disregard	3	1	0	7	Pigeon Holes	3	1	0	7
Mad Dogs	2	2	0	6	The Ducks	3	1	0	7
APALSA	2	2	0	6	Tommy Graduated	2	1	1	5
Buzz Killers	2	1	1	5	Lolligaggers	1	3	0	5
The Hard Balls	1	3	0	5	Law Hogs	1	3	0	5
Motion to Strike	0	1	3	1	Illigal Eagles	1	3	0	5

MPRE LECTURE

**PRESENTED BY
STANLEY D. CHESSE, ESQ.**

President, BAR/BRI Bar Review

More people take BAR/BRI than all other bar review courses combined. And more people take BAR/BRI's course on the Multistate Professional Responsibility Exam (MPRE).

For students currently enrolled in law school and enrolled in the BAR/BRI bar review for New York, New Jersey or any New England state that requires the MPRE, all you need do to take the MPRE course is put down an additional \$75, the full amount of which is credited to your BAR/BRI bar review course (differing amounts will be credited in other BAR/BRI states).



The Nation's Largest and Most Successful Bar Review.

1500 Broadway, New York, NY 10036
(212) 719-0200 • (800) 472-8899 • (201) 623-3363 • (203) 724-3910 • FAX: (212) 719-1421
20 Park Plaza, Suite 931, Boston, MA 02116
(617) 695-9955 • (800) 866-7277 • FAX: (617) 695-9386

LIVE

BOSTON UNIVERSITY
SCHOOL OF LAW
LAW AUDITORIUM
NOVEMBER 2, 1992 - 6:30pm

VIDEO

BOSTON COLLEGE
LAW SCHOOL
ROOM 103
NOVEMBER 7, 1992